## PE VCG

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:	Ulrich LUECKING et al.

Serial No.: 10/644,076 Group Art Unit: 1614

Filed: August 20, 2003 Examiner: Unknown

For: MACROCYCLIC PYRIMIDINES, THEIR PRODUCTION AND USE AS

PHARMACEUTICAL AGENTS

## INFORMATION DISCLOSURE STATEMENT UNDER 37 CFR §§ 1.56, 1.97 and 1.98

Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450

Sir:

This information disclosure statement is made in accordance with 37 C.F.R. §§ 1.56, 1.97 and 1.98 as follows:

## **Timing and Fees**

<ul> <li>□ within three months of the filing date of a national application other than a CPA under § 1.53(d);</li> <li>□ within three months of the actual filing date of the national phase of a PCT application; OR</li> <li>□ before the mailing of a first substantive office action (including after filing of an RCE).</li> <li>□ Under 37 C.F.R. § 1.97(c), this information disclosure statement is filed after the periods specified in 37 C.F.R. § 1.97(b), but before the mailing date of:</li> <li>□ a final rejection under 37 C.F.R. 1.113;</li> <li>□ termination of prosecution, e.g. Ex Parte Quayle, M.P.E.P § 609(B)(2); OR</li> <li>□ a notice of allowance under 37 C.F.R. § 1.311; and</li> </ul>	X		F.R. § 1.97(b), no fee or statement is required for filing this information tement is filed:
application; OR  □ before the mailing of a first substantive office action (including after filing of an RCE).  Under 37 C.F.R. § 1.97(c), this information disclosure statement is filed after the periods specified in 37 C.F.R. § 1.97(b), but before the mailing date of:  □ a final rejection under 37 C.F.R. 1.113;  □ termination of prosecution, e.g. Ex Parte Quayle, M.P.E.P § 609(B)(2); OR			
Under 37 C.F.R. § 1.97(c), this information disclosure statement is filed after the periods specified in 37 C.F.R. § 1.97(b), but before the mailing date of:  a final rejection under 37 C.F.R. 1.113;  termination of prosecution, e.g. Ex Parte Quayle, M.P.E.P § 609(B)(2); OR			
specified in 37 C.F.R. § 1.97(b), but before the mailing date of:  a final rejection under 37 C.F.R. 1.113;  termination of prosecution, e.g. Ex Parte Quayle, M.P.E.P § 609(B)(2); OR			
termination of prosecution, e.g. Ex Parte Quayle, M.P.E.P § 609(B)(2); OR			
OR			a final rejection under 37 C.F.R. 1.113;
a notice of allowance under 37 C.F.R. § 1.311; and			
			a notice of allowance under 37 C.F.R. § 1.311; and

		is accor	mpanied by:
			the statement as specified in 37 C.F.R. § 1.97(e) set out below; OR
			a check covering the fee of \$180.00 under 37 C.F.R. § 1.17(p).
	Under i	37 C.F.I the foll	R. § 1.97(d), this information disclosure statement is filed after the mailing owing actions which have not been withdrawn:
			a final action under 37 C.F.R. § 1.113;
			termination of prosecution, e.g. Ex Parte Quayle, M.P.E.P § 609(B)(2); OR
			a notice of allowance under 37 C.F.R. § 1.311;
	AND i	s filed o	on or before payment of the issue fee; AND is accompanied by:
			the statement as specified in 37 C.F.R. $\S$ 1.97(e) as set forth below, and the fee of \$180.00 under 37 C.F.R. $\S$ 1.17(p).
Staten	nents Ur	nder 37	C.F.R. 1.97(e)
			Each item of information contained in this information disclosure statement was cited in a communication from a foreign patent office in a counterpart foreign application having a mailing date not more than three months prior to the filing date of this information disclosure statement; or
			No item of information contained in this information disclosure statement was cited in a communication from a foreign patent office in a counterpart foreign application, and to the knowledge of the undersigned attorney after making reasonable inquiry, no item of information contained in this information disclosure statement was known to any individual designated in 37 C.F.R. § 1.56(c) more than three months prior to the filing date of the information disclosure statement.
Cited	Materia	als	
		ances	es of materials listed but not attached were cited in benefit (35 U.S.C. § 120) tor application Serial No, on Form 892 by the Examiner and/or Form by the applicant; see 37 C.F.R. § 1.98(d).
		Copie	es of materials listed were cited in an international search report dated
	$\boxtimes$	Copie	es of the materials listed are attached (except for the foregoing).

Non-E	nglish ]	Language References
		An English-language search report or equivalent paper from a foreign patent office is provided indicating the relevance of the cited reference(s).
		A foreign-language search report from a foreign patent office is provided, and pertinent parts are translated substantively below:
		<ul> <li>X = document of particular relevance when it is taken alone</li> <li>Y = document of particular relevance when it is combined with another such document</li> <li>A = document defining the general state of the art</li> <li>O = non-written disclosure</li> <li>P = intercalated document</li> <li>T = document cited to understand the theory or principle underlying the invention</li> <li>E = patent document which has the benefit of a date earlier than the filing date and which was published only on or after this filing date</li> <li>D = cited in the application</li> <li>L = cited for another reason</li> <li>&amp; = publication of member of same patent family</li> </ul>
		Translation of other relevant information on foreign search report
Other I	nforma	tion
Paymer	nt of Fe	ees Due (If Any):
	A chec	ck for \$ covering the fee identified above is attached.
	Please	charge to Deposit Account No. 13-3402 \$ for the fee identified above.

The Commissioner is hereby authorized to charge or credit any overpayment to Deposit Account #13-3402, two copies of this paper are attached for this purpose.

Respectfully submitted,

Anthony J. Zelano, Reg. No. 27,969

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Attorney Docket No.: SCH-1929

Date: January 7, 2005

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PTO/SB/08A (08-00)

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Substitute for form 1449A/PTO				Complete if Known		
				Application Number	10/644,076	
INFO	RMATION	DISC	CLOSURE	Filing Date	August 20, 2003	
STATEMENT BY APPLICANT			PLICANT	First Named Inventor	Ulrich LUECKING et al.	
				Group Art Unit	1614	
	(use as many she	ets as n	necessary)	Examiner Name	Unknown	
Sheet	1	of	1	Attorney Docket Number	SCH-1929	

U.S. PATENT DOCUMENTS							
Examiner Initials *	Cite No.1	U.S. Patent Document  Kind Code <sup>2</sup> Number ( <i>if known</i> )		Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document  MM-DD-YYYY		
	1	6,235,746		DAVIS et al.	05-22-2001		

	FOREIGN PATENT DOCUMENTS							
		Foreign Patent Document			Date of Publication of	Pages, Columns, Lines, Where Relevant		
Examiner Initials*	Cite No.1	Office <sup>3</sup>	Number⁴	Kind Code <sup>5</sup> ( <i>if known</i> )	Name of Patentee or Applicant of Cited Document	Cited Document MM-DD-YYYY	Passages or Relevant Figures Appear	T⁵
	2	wo	0164654		PEASE et al.	09-07-2001		

	Examiner Signature		Date Considered	
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EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

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<sup>1</sup> Unique citation designation number. 2 See attached Kinds of U.S. Patent Documents. 3 Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). 4 For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. <sup>5</sup> Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. <sup>6</sup> Applicant is to place a check mark here if English language Translation is attached. Number refers to English language corresponding family member.